

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TIME WARNER CABLE, INC.

Plaintiff,

vs.

GPNE CORP.

Defendant.

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C. A. No. 1:07-cv-067 \*\*\*

Jury Trial Demanded

**GPNE CORPORATION'S MOTION TO DISMISS, STAY OR TRANSFER**

Defendant GPNE Corp. hereby submits this Motion to Dismiss, Stay or Transfer to the Eastern District of Texas, Marshall Division, showing this Honorable Court as follows:

(1) A case involving infringement of the same U.S. patent and the same services and products is already on file in the Eastern District of Texas.

(2) The Complaint in the Eastern District of Texas has been amended concurrently herewith to include Time Warner Cable, Inc.

(3) To transfer this case to the Eastern District of Texas and consolidate it with the case already on file would save judicial resources.

(4) To transfer this case to the Eastern District of Texas and consolidate it with the case already on file would eliminate the possibility of inconsistent or conflicting rulings.

Wherefore, for reasons more fully set forth in Defendant's Brief in Support of this Motion, Defendant asks that its Motion for Dismiss, Stay or Transfer be granted.

/s/ Richard K. Herrmann

Richard K. Herrmann #405  
Morris James, LLP  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801-1494  
T: (302) 888-6800  
rherrmann@morrisjames.com

ATTORNEYS FOR GPNE CORP.

OF COUNSEL:

Edward W. Goldstein  
Corby R. Vowell  
Goldstein, Faucett & Prebeg, LLP  
1177 West Loop South, Suite 400  
Houston, Texas 77027  
(713) 877-1515 – Telephone  
(713) 877-1737 Facsimile

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